THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO.5551 of 2006

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21st March 2006

Between:

S.Yellaiah, S/o.Sarvaiah.

...PETITIONER

AND

1. The Commissioner of Land Revenue, A.P., Hyderabad.

And two others.

...RESPONDENTS

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO. 5551 of 2006

ORDER:

It is the case of the petitioner that he is the absolute owner and possessor of the house bearing MC.No.6-1-276/A, Old No.8, admeasuring 450 square yards situated at Walker Town, Padmarao Nagar, Secunderabad. At the time of purchase of the house under an unregistered sale deed dated 04.04.1956, the petitioner was a minor. He attained majority in the year 1968. Thereafter, he affected alterations and additions to the said house and has been paying property tax and other cess and also submitted ration card, Election Identity Card, Electricity connection and Xerox Copies of tax receipts to show his possession. Now, the respondents are threatening dispossession of his peaceful possession and enjoyment. The petitioner filed O.S.No.23 of 2004 on the file of the I Additional Chief Judge, CCC, Secunderabad for perpetual injunction and obtained interim injunction order restraining the respondents from dispossessing him and the fact remains that the said injunction order is still subsisting. It is stated that the Government issued G.O.Ms.No.508 Revenue (ASN.I) Department dated 20.10.1995 for regularization of

the dwelling houses constructed on the encroached Government land and thereafter, the Government also issued G.O.Ms.No.1601 extending the time up to the end of March 2006. The petitioner wanted to avail the benefit of the said G.O. by filing an application but the respondents have refused to consider the said application on the ground that unless he withdraws his suit in O.S.No.23 of 2004, his application will not be considered.

As per the terms and conditions of G.O.Ms.No.1601, which is in force, an application has to be filed before the District Collector in a prescribed format. But the District Collector is not a party to the Writ Petition and admittedly, no such application is filed. It is stated that as application has been filed before the Special Officer on 01.03.2006 who is not competent authority to receive any application for regularization of land having dwelling house.

Therefore, in the said circumstances, I am not inclined to grant any relief to the petitioner and the petitioner is at liberty to file representation before the District Collector, on which, appropriate orders will have to be passed in accordance with law.

Subject to the above, the Writ Petition is dismissed. No costs.

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(V.ESWARAIAH, J)

21st March 2006

RRB